

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RASHAWN HANESWORTH,

Petitioner,

v.

GARY GREENE,

Respondent.

ORDER
04-CV-0145S

1. On March 4, 2004, Petitioner commenced this action seeking federal habeas relief under 28 U.S.C. § 2254.

2. On June 15, 2004, this Court referred this matter to the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, for all proceedings necessary for a determination of the factual and legal issues presented, and to prepare and submit a Report and Recommendation containing findings of fact, conclusions of law and a recommended disposition of the case pursuant to 28 U.S.C. § 636(b)(1)(B).

3. In a Report and Recommendation filed on March 27, 2007, Judge Schroeder recommended that Petitioner's Renewed Motion for a Stay to exhaust an ineffective assistance of counsel claim be denied. Judge Schroeder further recommended that Petitioner be granted an additional 30 days to notify the Court of the status of state court proceedings concerning his ineffective assistance of counsel claim based on counsel's failure to pursue a post-traumatic stress disorder defense and a coerced guilty plea. This Court has carefully reviewed Judge Schroeder's Report and Recommendation, as well as the pleadings and materials submitted by the parties.

4. No objections to the Report and Recommendation were received from either party within ten (10) days from the date of its service, in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3).

IT HEREBY IS ORDERED, that this Court accepts Judge Schroeder's Report and Recommendation (Docket No. 17) in its entirety.

FURTHER, that Petitioner's Renewed Motion for a Stay (Docket No. 26) is DENIED.

FURTHER, that, consistent with the terms in the Report and Recommendation, Petitioner shall notify the Court concerning the status of his state court claims of ineffective assistance.

SO ORDERED.

Dated: April 19, 2007
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge